

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case No. 1:15-cr-113

Also 1:19-cv-341

- vs -

District Judge Susan J. Dlott

Magistrate Judge Michael R. Merz

LISTON WATSON,

Defendant.

:

ORDER STRIKING SECOND *PRO SE* MOTION

This case under 28 U.S.C. § 2255 is before the Court on Defendant's Second *pro se* Motion to File Stipulation and Agreement (ECF No. 108). The Court previously denied a motion to the same effect (ECF No. 106) because it was not filed by Defendant's counsel (Order, ECF No. 107). The instant Motion is also not signed by counsel and is stricken on that basis.

Watson claims in the instant motion that he was advised that Assistant Federal Defender Zenaida Lockard, who he says is a key witness, would be presented at the evidentiary hearing on March 6, 2020. Although she was listed as a witness by the United States, she was never called to testify. Defendant's counsel never listed her as a witness and never protested her absence.

In lieu of deciding the § 2255 motion on the basis of the evidence presented, Watson asks the Court to accept the Stipulation and Agreement he has attached to the instant Motion, that

document is signed only by him and not by his own counsel or the Government's attorney. Absent their agreement to the document, it is not effective.

March 20, 2020.

s/ *Michael R. Merz*
United States Magistrate Judge